

**ARTICLE 16**  
**COMMUNITY DEVELOPMENT AGENCY**

**Section**

- 2-1601. Regulations, how cited.
- 2-1602. Definitions.
- 2-1603. Community Development Agency, creation.
- 2-1604. Agency; function; government efficiency; delegation of duties.
- 2-1605. Agency; powers.
- 2-1606. Redevelopment plan; procedure; modification.
- 2-1607. Public notice.

**2-1601 Regulations, how cited.**

The provisions of this Article shall be known and may be cited as the Community Development Regulations.

**Source:** Ord. 2095, § 1 (2019).

**2-1602 Definitions.**

For purposes of the Community Development Regulations, unless the context otherwise requires, the following definitions shall apply:

- (1) “Agency” or “Authority” means the Community Development Agency created by the City of Crete, Nebraska.
- (2) “Blighted area” means an area:
  - (a) which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use; and,
  - (b) in which there is at least one of the following conditions:
    - (i) unemployment in the designated area is at least one hundred twenty percent of the state or national average;
    - (ii) the average age of the residential or commercial units in the area is at least forty (40) years;
    - (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty (40) years and has remained unimproved during that time;
    - (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or,
    - (v) the area has had either stable or decreasing population based on the last two decennial censuses.
- (3) “Bonds” means any bonds, including refunding bonds, notes, interim certificates, debentures, or other obligations issued pursuant to the Community Development Law.
- (4) “City” means the City of Crete, Nebraska.

- (5) “Community Development Law” means sections 18-2101 to 18-2154 of the Nebraska Revised Statutes and any updates and amendments thereto.
- (6) “Community redevelopment area” means a substandard and blighted area which the Community Development Agency designates as appropriate for a renewal project.
- (7) “Extremely blighted area” means a substandard and blighted area in which:
- (a) the average rate of unemployment in the area during the period covered by the most recent federal decennial census or American Community Survey 5-Year Estimate is at least two hundred percent (200%) of the average rate of unemployment in the state during the same period; and,
  - (b) the average poverty rate in the area exceeds twenty percent (20%) for the total federal census tract or tracts or federal census block group or block groups in the area.
- (8) “Governing body” means the City Council of the City of Crete, Nebraska.
- (9) “Person” means any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.
- (10) “Real property” means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise, and the indebtedness secured by such liens.
- (11) “Redeveloper” means any person, partnership, or public or private corporation or agency which enters or proposes to enter into a redevelopment agreement.
- (12) “Redevelopment agreement” means a contract entered into between the Agency and a redeveloper for the redevelopment of an area in conformity with a redevelopment plan.
- (13) “Redevelopment plan” means a plan, as it exists from time to time for one or more community redevelopment areas or for a redevelopment project, which:
- (a) conforms to the general plan for the City as a whole; and,
  - (b) is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitations as may be proposed to be carried out in the community redevelopment area, zoning and planning changes, if any, land uses, maximum densities, and building requirements.
- (14) “Redevelopment project” means any work or undertaking in one or more community redevelopment areas:
- (a) to acquire substandard and blighted areas or portions thereof, including lands, structures, or improvements the acquisition of which is necessary or incidental to the proper clearance, development, or redevelopment of such substandard and blighted areas;
  - (b) to clear any such areas by demolition or removal of existing buildings, structures, streets, utilities, or other improvements thereon and to install, construct, or reconstruct streets, utilities, parks, playgrounds, public spaces, public parking facilities, sidewalks or moving sidewalks, convention and civic centers, bus stop shelters, lighting, benches or other similar furniture, trash receptacles, shelters, skywalks and pedestrian and vehicular overpasses and underpasses, enhancements to structures in the redevelopment plan area which exceed minimum building and design standards in the community and prevent the recurrence of substandard and blighted conditions, and any other necessary public improvements essential to the preparation of sites for uses in accordance with a redevelopment plan;

- (c) to sell, lease, or otherwise make available land in such areas for residential, recreational, commercial, industrial, or other uses, including parking or other facilities functionally related or subordinate to such uses, or for public use or to retain such land for public use, in accordance with a redevelopment plan, and may also include the preparation of the redevelopment plan, the planning, survey, and other work incident to a redevelopment project and the preparation of all plans and arrangements for carrying out a redevelopment project;
  - (d) to dispose of all real and personal property or any interest in such property, or assets, cash, or other funds held or used in connection with residential, recreational, commercial, industrial, or other uses, including parking or other facilities functionally related or subordinate to such uses, or any public use specified in a redevelopment plan or project, except that such disposition shall be at its fair value for uses in accordance with the redevelopment plan;
  - (e) to acquire real property in a community redevelopment area which, under the redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitate the structures, and resell the property;
  - (f) to carry out plans for a program of voluntary or compulsory repair, rehabilitation, or demolition of buildings in accordance with the redevelopment plan; and,
  - (g) to construct workforce housing in an extremely blighted area within the City.
- (15) “Substandard area” means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare; and,
- (16) “Workforce housing” means:
- (a) housing that meets the needs of today’s working families;
  - (b) housing that is attractive to new residents considering relocation to a rural community;
  - (c) owner-occupied housing units that cost not more than the per unit amount set annually by the Nebraska Department of Economic Development to construct;
  - (d) owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent (50%) of the unit’s assessed value; and,
  - (e) upper-story housing.

**Source:** Ord. 2095, § 2 (2019).

**Cross References**

**Community Development Law**, see Neb. Rev. Stat. §§ 18-2101 to 18-2154.

**2-1603 Community Development Agency, creation.**

There shall be and there is hereby created, in and for the City of Crete, Nebraska, a Community Development Agency, which shall consist of the governing body of the City and which may exercise all of the power and authority granted to a community redevelopment authority under the Community Development Law.

**Source:** Ord. 2095, § 3 (2019).

**2-1604 Agency; function; government efficiency; delegation of duties.**

- (1) The Community Development Agency shall function in the exact same manner as and be indistinguishable from the governing body, and all resolutions, orders, motions, approvals, or other actions of the Community Development Agency shall be considered resolutions, orders, motions, approvals, or actions of the governing body. Any action of the Agency may be taken or approved at any regular, special, or emergency meeting of the governing body.
- (2) The governing body may, in the interest of government efficiency, combine or eliminate any duplicate or redundant steps, processes, or procedures specified by the Community Development Law to be done separately by an agency or authority prior to being reviewed by or submitted to a governing body.
- (3) The governing body may delegate or assign any duties, responsibilities, or essential functions of the Agency to any city department, official, employee, or contractor including, but not limited to, the Finance Department, Public Works Department, City Administrator, City Attorney, City Clerk, or any other officers, employees, and contractors as may be necessary.

**Source:** Ord. 2095, § 4 (2019).

**2-1605 Agency; powers.**

- (1) The Agency may levy taxes for the exercise of the powers, jurisdiction, and authority granted to it by the Community Development Law and may issue general obligation bonds, general obligation notes, revenue bonds, and revenue notes, including general obligation and revenue refunding bonds and notes, for the purposes set forth in the Community Development Law and under any power granted therein to an agency or authority.
- (2) The Agency may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake any of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of the workable program.
- (3) The Agency may itself prepare or cause to be prepared a redevelopment plan, which shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area and which shall include all of the information required by the Community Development Law.
- (4) The powers conferred in the Community Development Law and these regulations shall be in addition to and supplemental to the powers conferred by any other law and shall be independent of and in addition to any other provision of the laws of the State of Nebraska with reference to the matters covered therein. The provisions of the Community Development Law and these regulations and all grants of power, authority, rights, or discretion to the City and the Agency shall be liberally construed, and the City and the Agency shall have all incidental powers necessary to carry into effect such provisions, grants of power, authority, rights, or discretion.

**Source:** Ord. 2095, § 5 (2019).

**2-1606 Redevelopment plan; procedure; modification.**

- (1) A redevelopment plan shall not be prepared for a redevelopment project area unless the governing body has, by resolution adopted after the required public hearings, declared such area to be a substandard and blighted or an extremely blighted area in need of redevelopment.

- (a) The governing body shall conduct or cause to be conducted a study or an analysis on whether the area is substandard and blighted or extremely blighted and shall submit the question of whether an area is substandard and blighted or extremely blighted to the planning commission for its review and recommendation.
  - (b) The planning commission shall hold a public hearing on the question after providing proper public notice and shall submit its written recommendations, if any, to the governing body within thirty (30) days after the public hearing.
  - (c) Upon receipt of the recommendations or at least thirty (30) days after the planning commission public hearing if no recommendations are received, the governing body shall, after giving proper public notice, hold a public hearing on the question of whether the area is substandard and blighted or extremely blighted. After such hearing, the governing body may make its declaration.
- (2) If an area has been declared substandard and blighted or extremely blighted, a proposed redevelopment plan shall first be submitted to the planning commission for review and recommendations as to its conformity with the general plan for the development of the City as a whole. The planning commission shall hold a public hearing on the proposed redevelopment plan after giving proper public notice of the hearing and shall submit its written recommendations, if any, to the governing body within thirty (30) days after the public hearing.
  - (3) Upon receipt of the recommendations or at least thirty (30) days after the planning commission public hearing if no recommendations are received, the governing body shall, after giving proper public notice, hold a public hearing on the redevelopment plan. Following the public hearing, the redevelopment plan may be approved if it is found to conform with all of the requirements specified in the Community Development Law.
  - (4) A redevelopment plan may be modified at any time; provided, that if modified after the lease or sale of real property in the redevelopment project area, the modification must be consented to by the redeveloper or redevelopers of such real property affected by the proposed modification or their successors in interest. If the proposed modification will substantially change the redevelopment plan, the modification must follow the same process enumerated above for the approval of a redevelopment plan.

**Source:** Ord. 2095, § 6 (2019).

#### **2-1607 Public notice.**

Public notice of any hearing shall be given by publication at least once a week for two consecutive weeks in a legal newspaper in or of general circulation in the City and shall describe the time, date, place, purpose of the hearing, and any and all specific information required by the Community Development Law. The time of the hearing shall be at least ten (10) days from the last publication.

**Source:** Ord. 2095, § 7 (2019).